

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-189-RJC-DCK**

**DIANNE B. BOYTER and DIRK E.
BERGHMANS,**

Plaintiff,

v.

**BANK OF AMERICA
CORPORATION, BANK OF
AMERICA HOME LOANS
SERVICING, LP, successors in interest
to COUNTRYWIDE FINANCIAL; and
JOHN and JANE DOES 1-10,**

Defendants.

ORDER

THIS MATTER comes before the Court on Plaintiffs Dianne Boyter and Dirk Berghmans's ("Plaintiffs") Motion for Default Judgment. (Doc. No. 14).

Plaintiffs served the defendants on May 4, 2012. (Doc. No. 7). Federal Rule of Civil Procedure 12 requires defendants to file an answer or a motion under Rule 12 within 21 days of service. The defendants filed a motion under rules 12(b)(1), (4), (5), (6), and 9(b) on May 25, 2012. (Doc. No. 12). Defendants timely responded to Plaintiffs' Complaint and the defendants' answer is not yet due. FED. R. CIV. P. 12(a)(4).

IT IS, THEREFORE, ORDERED that Plaintiffs' Motion for Default Judgment. (Doc. No. 14), is **DENIED**.

Signed: August 21, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

